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11 KEVIN JAMES STRUTZ

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 vs.
17 KEVIN JAMES STRUTZ
18 Defendant.

19 Case No. 1:20-cr-00217-JLT-SKO

20 **STIPULATION and ORDER TO MODIFY
21 CONDITIONS OF PRETRIAL RELEASE**

22 **IT IS HEREBY STIPULATED**, by and between the parties, through their respective
23 counsel, Assistant United States Attorney David L. Gappa, counsel for plaintiff, and Assistant
24 Federal Defender Eric V. Kersten, counsel for defendant Kevin Strutz, that the curfew condition
25 of Mr. Strutz' pretrial release may be modified to allow him to remain outside his residence for
26 two additional hours, from 10:00 p.m. to 12:00 a.m., on the single night of November 7, 2023.
27 Mr. Strutz' curfew shall remain unchanged for all other days.

28 Pursuant to the Court's Modified Order of Pretrial Release dated March 10, 2022, Kevin
Strutz is subject to a curfew requiring him to remain inside his residence every day between the
hours of 10:00 p.m. and 5:30 a.m. [Doc. 57, condition 7(b)]. Supervising Pretrial Services officer
Renee Basurto reports that Mr. Strutz has remained in compliance with the conditions of his
pretrial release but needs the court's approval for the extension.

On December 28, 2020, Mr. Strutz was released on conditions including participation in the Westcare inpatient substance treatment program. Mr. Strutz successfully completed the program in the spring of 2021, but no graduation ceremony was held due to Covid restrictions. Westcare is now holding a delayed graduation on November 7, 2023. The ceremony is being held in Fresno, California and is expected to finish about 9:00 p.m. Mr. Strutz resides in Ceres, California. The requested modification of his curfew will allow two hours for Strutz to return to his home, with one additional hour as cushion in case the graduation ceremony runs long or there are unanticipated traffic delays.

As amended, Mr. Strutz' curfew condition, doc. 57, condition 7(b), shall be modified to provide that on the day of November 7, 2023, only, Mr. Strutz may remain outside his residence between the hours of 5:30 a.m., and 12:00 midnight. All other conditions of Mr. Strutz's pretrial release shall remain in full force and effect.

Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

Date: November 4, 2023

/s/ David L. Gappa
DAVID L. GAPPA
Assistant United States Attorney
Attorney for Plaintiff

HEATHER E. WILLIAMS
Federal Defender

Date: November 4, 2023

/s/ Eric V. Kersten
ERIC V. KERSTEN
Assistant Federal Defender
Attorney for Defendant
KEVIN JAMES STRUTZ

ORDER

IT IS SO ORDERED.

Pursuant to the parties' stipulation, the Court hereby modifies Special Condition 7(b) of the Modified Order Setting Conditions of Pretrial Release for Kevin Strutz [Doc.57], shall be modified as set forth above.

Dated: 11/6/23

Sheila K. Oberto
HON. SHEILA K. OBERTO
Judge, United States District Court